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REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
3831.03

In re Application of: **SHUICHI MIZUNO, ET AL.**

Application No.: **10/626,459**

Filed: **JULY 22, 2003**

For: **METHOD FOR GROWTH AND *DE NOVO* FORMATION OF A SUPERFICIAL CARTILAGE LAYER *IN SITU*
AND FOR REPAIR OF DAMAGED CARTILAGE USING NEO-CARTILAGE CONSTRUCTS**

The owner*, HISTOGENICS CORP., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend the expiration date of the full statutory term prior patent 6,949,252 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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Signature

JANUARY 25, 2007

Date

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